

In the current Office Action, the Examiner agrees that Albal lacks this claim feature, i.e., “setting up a non-associated telephone call to the recipient telephone number from a simulated calling party having the same telephone number as the message code, such that the telephone network uses the caller-identification feature to communicate data corresponding to the message code to the recipient telephone number.”

The Examiner instead purports to find this feature in Fig. 1 and col. 6, lines 21-45 of the new reference, Frech. Applicants respectfully disagree, for largely the reasons stated in the Responses to the previous two Office Actions. As noted, the term “non-associated telephone call” is expressly defined at page 4 of Applicants’ specification. Among other things, it is a simulated call from a simulated calling party, *where no actual call is provisioned*:

The term “non-associated telephone call” means a simulated telephone call from a simulated calling party (having the same telephone number as the message code) to the real recipient telephone number. In the non-associated telephone call, the caller-identification information for the simulated calling party is communicated (e.g., using SS7) to the recipient telephone number, but no actual call is provisioned.

In Frech, not one, but two, *actual* calls are provisioned. The first call is from calling party station 111. Frech, at 3:40-43. This call is received by terminating switch 102. *Id.* The terminating switch also receives “the directory number of the calling party ... using the well-known technique of automatic number identification.” *Id.* at 58-61. This is an actual call, from an actual calling party. The passage cited by the examiner refers to “a new call from SCN/IP to [terminating] switch 102.” *Id.* at 6:21. This too is an actual call, where the SCN/IP is the actual calling party. If the called party answers the telephone at called party station 112, then “the SCN/IP synthesizes an announcement of the name, or other announceable data or plays a recording of such announceable call.” *Id.* at 6:60-62; *see also id.* at 4:33-35. If the called party after hearing this synthesized message decides to accept the first call, then the terminating switches the called party station 112 to the calling party station 111 (via originating switch 101).

Thus, the call from the calling party station 111 to the called party station 112 is an actual call. The call from the SCN/IP 131 to the called party station 112 is also an actual call. There are two actual calls, occurring roughly simultaneously. The first call from calling party station 111 is put on hold while the second call from SCN/IP 131 plays a synthesized audio message

telling the called party the identity of the calling party station 111. If the called party wants to accept the call, the second call from the SCN/IP is terminated, and the first call from the calling party put through.

Moreover, the claim also expressly recites that the "the telephone network uses *the caller-identification feature to communicate data* corresponding to the message code to the recipient telephone number." The Examiner purports to find this disclosure in the second call from SCN/IP 131 to called party station 112. However, as noted, this call does *not* use the caller-identification feature to communicate data. This call uses the standard voice channel to communicate a synthesized audio announcement. The called party simply picks up the telephone handset and hears a synthesized "voice"—generated by the SCN/IP 131—over the telephone speaker. The call from the SCN/IP 131 in no way is disclosed to use the caller-identification feature, e.g., using the signaling system 7 (SS7) common channel interoffice signaling system, to communicate data of any kind, let alone data corresponding to a message code.

Applicants therefore submit that all claims remain in condition for allowance, which action is requested.

Submitted herewith is a petition for a one-month extension of time (through and including February 20, 2006), together with a check for the required fee (\$60.00). Please apply any charges, or make any credits, to deposit account 06-1050, reference 10200-010001.

Respectfully submitted,



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